

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

YVONNE L. WHITE, and ROSCOE NIXON,  
Individually and as Wife and Husband;

Plaintiffs,

vs.

TROY E. HLAVATY, Personal Representative  
of the Estate of Tamara S. Hlavaty, MD,  
deceased; DR. JEFFREY BURWELL,  
Individually; P.A. CHRISTOPHER LINKE,  
Individually; THE PHYSICIAN NETWORK,  
A Nebraska Non-profit Corporation; GRAND  
ISLAND RADIOLOGY ASSOCIATES, P.C.,  
d/b/a HEARTLAND RADIOLOGY, A Nebraska  
Corporation; and ST. FRANCIS MEDICAL  
CENTER, d/b/a CHI HEALTH ST. FRANCIS,  
A Non-profit Corporation doing business in  
Nebraska;

Defendants.

**8:20CV207**

**SIXTH AMENDED  
CASE PROGRESSION ORDER**

This matter is before the court following a telephone conference held with counsel for the parties on January 4, 2022. In accordance with the discussion and for good cause shown,

**IT IS ORDERED** that the case progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is extended to **January 28, 2022**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **February 14, 2022**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The deadline for completing expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), for the defendants is extended to **February 14, 2022**.
- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is extended to **March 4, 2022**.

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings remains scheduled before the undersigned magistrate judge on **March 4, 2022**, at **9:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds remains **March 31, 2022**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment remains **March 31, 2022**.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 4<sup>th</sup> day of January, 2022.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge